

Message Text

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C O N F I D E N T I A L MOSCOW 4895

E.O. 11652: GDS
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SUBJ: US-USSR CIVIL AVIATION RELATIONS

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SUMMARY: EMBASSY HAS REITERATED USG POSITION RE SCHEDULED SERVICES, CHARTERS AND TICKETING RESTRICTIONS TO MINISTRY OF CIVIL AVIATION. MINCIV AIR MADE CLEAR THAT DIFFERENCES REMAIN REGARDING INTERPRETATION OF ARTICLE 14 THAT CANNOT BE SETTLED NOW. SOVIETS "CANNOT UNDERSTAND" USG'S LINKING PAN AM CHARTERS WITH AEROFLOT SERVICE TO WASHINGTON AS SOVIETS DISAGREE WITH U.S. DEFINITION OF "STATUS QUO" ON FREQUENCIES. U.S. CHARTERS WILL BE HANDLED ON A "CASE-BY-CASE" BASIS, PROBABLY FOR TWO WEEKS AT A TIME. END SUMMARY.

1. ACTING E/C COUNSELOR AND EMBOFF CALLED ON V. SAMORUKHOV, MINISTRY OF CIVIL AVIATION, APRIL 11 TO DISCUSS ISSUE OF AEROFLOT TICKETING RESTRICTION AGAINST PAN AM AND REITERATE USG POSITION ON SCHEDULED SERVICES AND CHARTERS, AS INSTRUCTED PARA 3, REFTEL A. DISCUSSION LARGELY FOLLOWED LINES TAKEN IN LAST ROUND OF CIVAIR TALKS IN MOSCOW. FOLLOWING WERE THE MAIN POINTS OF INTEREST.

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2. IN RESPONSE TO ACTING COUNSELOR'S POINTS ON LIFTING OF TICKETIN RESTRICTIONS, PARA 2B, REFTEL A, SAMORUKHOV SAID THE SOVIET SIDE WAS PREPARED TO LIFT TICKETING RESTRICTIONS AS PART OF A TOTAL PACKAGE AGREEMENT, WHICH COULD BE STATED IN A MEMO OF UNDERSTANDING. THIS WAS SOMETHING FOR THE

TWO AIRLINES TO WORK OUT, AEROFLOT NOW HAVING TAKEN THE FIRST STEP BY REMOVING THE TICKETING RESTRICTION WHICH MOSCOW HAD IMPOSED IN DECEMBER 1976. SAMORUKHOV REITERATED HIS POSITION THAT THE PAN AM REVALIDATION REQUIREMENT WENT BEYOND THE SCOPE OF THE NOVEMBER CAB ORDER. HE WENT ON TO SAY THAT THE ISSUE OF THE INTERPRETATION OF ARTICLE 14 CANNOT, HOWEVER, BE DECIDED NOW. BOTH SIDES HAVE THEIR OWN INTERPRETATION, AND THIS MATTER SHOULD BE LEFT OPEN FOR FUTURE CONSIDERATION. AT ONE POINT, SAMORUKHOV SAID THAT IF AEROFLOT HAS ONLY TWO FLIGHTS PER WEEK, THE SOVIET SIDE WOULD FIND IT DIFFICULT TO LIFT THE REMAINING TICKETING RESTRICTIONS.

3. ACTING COUNSELOR THEN REVIEWED HISTORY AND REASONS FOR CAB AND PAN AM ACTION AND SAID THAT EXTENT PAN AM RESTRICTIONS ARE CONSISTENT WITH THE CAB ORDER, INCLUDING THE TICKET REVALIDATION REQUIREMENT.

4. ON CHARTER FLIGHTS, ACTING COUNSELOR REITERATED MAIN POINTS OF OUR APRIL 4 NOTE. SAMORUKHOV IN TURN ARGUED THAT THE 1973 CHARTER AGREEMENT WAS PART OF A PACKAGE INCLUDING FOUR SUMMER FLIGHTS AND WASHINGTON SERVICE FOR AEROFLOT AND LENINGRAD FOR PAN AM. THIS IS HOW THE SOVIET SIDE DEFINES THE "STATUS QUO." CONTINUATION OF THIS "STATUS QUO" WAS THE BASIS OF THE MARCH 11 SOVIET NOTE; HOWEVER, HE SAID CONFIDENTIAL

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THE U.S. RESPONSE DEFINED THE "STATUS QUO" AS TWO FLIGHTS PER WEEK PLUS THE CHARTER UNDERSTANDING. IN THE SOVIET VIEW THE U.S. THUS REVISED THE "STATUS QUO" BY ELIMINATING TWO SUMMER FREQUENCIES, AND THE SOVIET SIDE CANNOT UNDERSTAND HOW THE USG CAN NOW LEGITIMATELY LINK CHARTERS AND SERVICE TO WASHINGTON UNDER THE CONCEPT OF MAINTAINING THE "STATUS QUO."

5. AT ONE POINT, SAMORUKHOV ASKED IF THIS CONNECTION OF CHARTERS AND TWO WEEKLY FREQUENCIES WAS INDEED THE U.S. POSITION TO WHICH ACTING COUNSELOR ANSWERED AFFIRMATIVELY. HE THEN ASKED IF IT WAS OUR UNDERSTANDING THAT IF CHARTERS WERE CANCELLED THAT THE U.S. WOULD SEND A NOTE CUTTING THE WASHINGTON SERVICE. ACTING COUNSELOR RESPONDED WE WOULD INDEED HAVE TO CONSIDER WHETHER PRESENT SERVICES COULD BE CONTINUED. IN THAT CASE, SAMORUKHOV SAID THE MINISTRY WOULD HAVE TO INFORM ITS GOVERNMENT SINCE THE USSR HAS A DIFFERENT INTERPRETATION

OF THE "STATUS QUO" BASED ON THE 1973 PROTOCOL.

6. SAMORUKHOV ALSO ARGUED THAT IT WAS "NOT A SIMPLE QUESTION" FOR THE SOVIET SIDE TO ACT ON CHARTER REQUESTS NOW THAT THE CHARTER AGREEMENT HAD LAPSED. ORAL APPROVAL HAD BEEN GIVEN ON PAN AM CHARTERS THROUGH JUNE BEFORE THE APRIL 4 U.S. NOTE WAS RECEIVED. AFTER RECEIVING THE U.S. INTERPRETATION OF "STATUS QUO", THE SOVIET SIDE RECONSIDERED. IN RESPONSE TO EMBOFF'S QUERY, SAMORUKHOV INDICATED CHARTERS WOULD BE APPROVED ON A "CASE-BY-CASE BASIS." THIS WOULD MEAN CONSIDERING CHARTER REQUESTS FOR A TWO-WEEK PERIOD WITH AN ANSWER GIVEN ONE WEEK BEFORE. SAMORUKHOV INSISTED THAT NO OBLIGATION RE CHARTERS NOW EXISTS AS THERE IS NO AGREEMENT.

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7. EMBOFF IN TURN REVIEWED RECENT HISTORY OF PROBLEMS IN CIVIL RELATIONS AND DANGER OF FURTHER DETERIORATION IF SOVIETS ACTED AGAINST CHARTERS. THESE CONSEQUENCES MUST BE WEIGHED IN ADDITION TO THE "FORMALITY" THAT THE CHARTER AGREEMENT HAS LAPSED.

8. SAMORUKHOV THEN SAID HE NOW UNDERSTOOD THE U.S. POSITION. THE SOVIET SIDE WOULD STUDY THE U.S. NOTE OF APRIL 4 CAREFULLY, BUT HE REPEATED IT CANNOT AGREE WITH THE U.S. INTERPRETATIONS. THE U.S. OFFER ON RESUMING NEGOTIATIONS WILL ALSO BE CONSIDERED. HE ADDED, SPEAKING PERSONALLY, THAT HE DID NOT LIKE THE U.S. WARNING INDICATED IN THE APRIL 4 NOTE.

9. COMMENT: WE THINK THE MEETING PROVIDED A USEFUL REMINDER OF THE SERIOUSNESS OF U.S. INTENT, WHICH IN FACT SAMORUKHOV ACKNOWLEDGED. THE DIFFERENCES ON THE TWO ISSUES WERE CLARIFIED AND AT THE SAME TIME WE WERE ABLE TO UNDERSCORE THE CONSEQUENCE OF RASH ACTION. WHILE FIRMLY DEFENDING HIS POSITION ON CHARTERS, SAMORUKHOV DID NOT INDICATE THESE WOULD BE CUT-OFF PRECIPITATELY. RATHER, IT SEEMS LIKELY THAT THE MINISTRY WILL MAKE THE APPROVAL PROCESS TEDIOUS AND DIFFICULT SO THAT PAN AM WILL IN TURN PUT PRESSURE ON THE USG FOR RELIEF.
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